

began to disappear and my general health improve. I persisted in this treatment, until the sore was entirely healed. Since then, I use Ayer's Sarsaparilla occasionally as a tonic and blood-purifier, and, indeed, it seems as though I could not keep house without it."-Mrs. S. A. FIELDS, Bloomfield, Ia.

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LAW DEPARTMENT.

Conducted By Charles W. Tillett, of the Charlotte Bar. NOTES AND ACCOUNTS UNPAID

SHOULD BE REDUCED TO JUDG-MENT.-There is absolutely no investment that a business man can make which will yield a larger return for the outlay than that necessary to reduce his uncollectible notes and accounts to judgment, and have the judgment docketed in the Superior Court. It is the custom with a large number of business men when a note or account cannot be collected to charge it up on the profit and loss account, and let it run out of date. This is great folly. It costs but a very small sum to reduce a claim to judgment, and even though the debtor had nothing at the time, yet It will be found that in a surprisingly large number of cases, the debtor will acquire something before the judgment runs out of date. We know of at least two instances where judgments were taken against parties who were wholly insolvent at the time, but the judgments were collected years afterwards out of the insurance money coming to the judgment debtors upon the death of certain relatives. For a much stronger reason, if the debtor has any land at all, a judgment should be taken, because the judgment, if properly docketed in the Superior Court, will become a lien upon the land, and will be collected some day, when the homestead right falls in; and in the meantime any person who purchases the land from the judgment debtor, will take it subject to the lien of the judg-

LEGAL HOLIDAYS-CONTRACTS AND LEGAL PROCEEDINGS ON .-We know that there is an apprehension among some business men that contracts made on a legal holiday are not binding, but there is no law to that effect. A contract made on a legal holiday is just as binding as one made on any other day There is, however, a question of some

importance in reference to holidays which arises in the minds of lawyers of this State every time a legal holiday, such as Thanksgiving Day, oc-The question is whether process issued from any court on a legal holi-day is void, and whether a judgmen't by default, for instance, taken in a magistrate's court on a legal holiday, would be invalid. In the case of State vs. Moore, 104 N. C., 748, our Supreme Court intimated that "It may not be lawful to sue out or execute civil process notices and the like" on legal holidays. If this intimation were followed up by an opinion to that effect, then we doubt not that a good many proceedings already had in court would be void. It is expressly held in the case referred to that if the Superior Court sits on a legal holiday, its proceedings on that day would be valid. and it is stated that the courts cannot compel the attendance of witnesses and suitors on a legal holiday. Under this law, as we understand it, a witness need not attend court on a holiday, and by the same reason it would seem that a magistrate's court on a legal holiday, rendered on that day would be void. upon all these points it is certainly safer not to institute any proceedings on legal holidays, and not to have any

process returnable on these days. WRITS OF ERROR IN THE UNI-TED STATES CIRCUIT COURTS. When the Circuit Courts of Appeals were established by an act of Congress, passed on March 3, 1891, power was granted in the act to these courts to establish rules of practice regulating the manner of brining cases before the courts for review. Accordingly the courts have established rules which conform in the main to the rules of practice in the Supreme Court of the United States, through differing in some important particulars. Each Circuit Court of Appeals has its own rules, and we propose to give here a brief outline of how a case is carried up for review to the Circuit Court of Appeals for the fourth circuit. We do this at the request of some members of the bar, and hope that it may be helpful to those who have not yet had experi-

ence in this practice. The act of Congress which provided that in actions at law, the practice in the Federal Courts shall conform as nearly as may be to the practice in the State Courts has no application to appellate proceedings, and hence as soon as a case begins to "head" towards the appellate court, the rules of practice in the State courts can not be followed. Of course every lawyer knows that in the Federal Courts the distinction between suits in equity and actions at law are still preserved, just as they were in this State prior to 1868. In equity cases in the appellate courts the equity proceedings are very simple, and not unlike those in our State Courts, as the equity case goes up by an appeal. We do not propose to discuss appeals in equity cases, but we have started out to give a history of a writ of error in an action at law. We know of some cases where lawyers having considerable practice in our State Courts have taken appeals in actions at law in Federal Courts, instead of suing out writs of error, and they have "come to grief" when the record reached the Court of Appeals, for the

appeals were promptly dismissed in hat court. TAKING EXCEPTIONS. In taking exceptions the first differ-ence noted between the practice in the State Court and the Federal Court is that in the latter court the objection to the evidence must be specific; that

is the ground upon which the objection is made must be set out, and it will not do, as in our State Court, to enter a general objection, and then seek to take advantage in the appellate court of any ground upon which it is possible to sustain it. Likewise the exceptions to the charge of the court must be specific and if the charge excepted to contains more than one distinct proposition of law, and either proposition is correct, an excep-

tion will not be sustained. It may be stated in this connection that the judges in the Federal Court are not forbidden to express an opinion upon the merits of any controversies tried before a jury, and they have the right to intimate to the jury which side the court thinks is entitled to their verdict, but it is necessary that the judge should inform the jury that they are not to be BILL OF EXCEPTIONS.

The Federal practice contemplates that the presiding judge should write out each exception as it is taken, and sign and seal it then and there, but, in point of fact, a memorandum of the exceptions is made as in our State Courts, and the judge at some convenient time during the court signs the bill of exceptions, which the counsel for the party cast in the suit is expected to prepare and present to the udge. The law contemplates that this bill of exceptions will be signed and sealed by the presiding judge during the term at which the case was tried, and it is a much safer practice to have it attended to before the court adjourns. If need be, a Federal judge can and will leave a court open for a reusonable time until the bill of exceptions can be filed. We know that it has been held that it is sufficient to make a memorandum of the exceptions, and to have an order entered allowing the party a certain length of time to prepare a bill of exceptions for the sig-nature of the judge, but the safer course is to have the bill of exceptions signed during the term at which the case was tried. The Circuit Court of Appeals reports are full of cases, where street, next to Crowell's Mill,

near Brevard street.

Appeals reports are full of cases, where writs of error have been dismissed because the record did not disclose the fact that a bill of exceptions was signed during the term of the court at which the case was tried, and there was no order extending the time. In the next place the bill of exceptions must show not only that the ex-ceptions were taken, but that they

were allowed by the presiding judge. It seems not to be a matter of strict legal right to take an exception, but Bucklen's Arnica Salve. The best salve in the world for Cuts, Bruises, Sores, Tetter, Chapped Hands, Chilblains, Corns and all skin Eruptions and postively cures Piles or no pay required. It is guaranteed to give perfect sa isfaction or money refunded. Price 25 cents per box. For sale by Burwell

amine it. It may, likewise, be added that unless there is some point in the court to have all the evidence, it is not the practice to set out all of the evidence in the bill of exceptions, and the courts have condemned the practice of carrying up all the evidence where there was no point requiring it, and in of error on this account. PETITION FOR WRIT OF ERROR.

After the bill of exceptions has been signed by the judge, the next step is to petition for a writ of error, which must be filed within six months after judgment entered. At this stage of the cas the title is reversed, and the defendant becomes the plaintiff in error. For it stance, if the suit in question is on brought by John Smith versus the Southern Railway Company, and it is carrying up the case, then when the itle of the case is changed, and it be omes the "Southern Railway Company, plaintiff in error, versus John Smith, defendant in error," and undruggists. der this title the case goes through the

appellate court. The petition for writ of error is signe by the party cast in the suit, and is addressed to the circuit judges. It contains, in substance, a statement that the party feels agrieved by errors com mitted as set forth in an "assignmen of errors," which must accompany th petition, and the petitioner must offe long with his petition a good and suf ficient supersedeas bond. The prayer of the petitioner is that the writ be al lowed, and that the record, etc., be sen up to the Court of Appeals.

ASSIGNMENT OF ERRORS. The assignment of errors which mus ccompany the petition for the writ error, is a statement of the errors and exceptions relied upon, and if it cor tains an exception to the evidence, al the evidence bearing on the point mus be stated in full, with the reason for the objection, and the part of the charge excepted to must be set out in full. The errors must be assigned spe cifically and desperately, and must be numbered, and the party must con clude with a prayer for the reversal the judgment below.

A supersedeas bond is merely an u dertaking with sufficient surety stay the execution. This must be a proved by the judge, and not by the if a party were summoned to appear in clerk. There seems to be no provision in the Federal Courts for a case to be he may disregard it, and a judgment carried up in forma pauperis, but every instance the party is required to rive a bond for th judgment if the Court of Appeals at firms the judgment below. WRIT OF ERROR.

The judge to whom the petition for writ of error is presented enters a order that the writ be issued a orayed for, and the writ is then issued t runs in the name of the President of the United States, to the judges of the Circuit Court, commanding them to send up the record, etc., for review, and s signed usually by the clerk of the Circuit Court, though it may be signed by the clerk of the Circuit Court of Appeals. The time fixed in the writ of error for the sending up of the record is usually the same as the return in the 'citation." The judge endorses on the writ of error that it is approved by him, and it is served by filing it in the

Last comes the citation, which runs the name of the President of the inited States, and is addressed to the lefendant in error, summoning and adnonishing him to appear in Richmond before the Circuit Court of Appeals, on a day mentioned in the citation, which must not be more than thirty days from the day that the citation is is sued, and the party is required to show cause why the judgment should not be reversed. This citation is signed b one of the judges, usually the judge who tried the case. Formerly the c tation required the party to appear the beginning of the next term of the court, but now the appearance day fixed at any time within the thirty days. The citation is served on the op posite party by the marshal, if service e not accepted.

TRANSCRIPT. The transcript, which is sent up b the clerk, must be printed in full on th records, and briefs must be printed or pages 91/4 x61/4 inches, except in patent cases, where the sizes are larger.

BRIEFS The brief for the plaintiff in error must be filed at least ten days before the term of the court meets, and the brief for the other party must be filed at least three days before the term be-

In the oral argument before the court, two hours, and no more, are allowed to each side, and the counsel fo the plaintiff in error is required within the two hours to make a statement of the case, as well as present his argu-

The opinions in the Circuit Court of Appeals are not filed during the term, but at the beginning of the next term succeeding that at which the case was

THE LAW OF BICYCLES AND THE BICYCLIST'S RIGHTS.—It was remarked many years ago by a witty judge of this State that he hoped to see a volume of the Alaska Law Reports, and to read a law book to be written by the Hon. W. H. Bailey on "Bicycles." We believe that the Alaska Reports have already been issued, and t is quite certain that the law book on bicycles is now in order. Our great and glorious English ancestors made no provision in the common law for bicycles, and as this curious method of locomotion is becoming so common t is not an easy thing to define the rights of bicyclists. The ordinary traveler on the highway is not in the least disposed to concede that the biyelfst has any rights whatever under 'the law of the road," and regards every rider of the wheel as a trespasser in the public road, and all but an outaw. Be it known to the readers that this department of the Observer is 'on wheels," and it dares maintain that the wheelmen have rights which all

must respect. In this connection let it suffice for the present to call attention to the fact that the courts have decided that the bicycle is a "vehicle," within the mean-ing of that word as ordinarily used in

of Hood's Sarsaparilla, as for no other medicine. Its great cures recorded in truthful, convincing language of grateful men and women, constitute its most effective advertising. Many of these cures are marvelous. They have won the confidence of the people; have given Hood's Sarsaparilla the largest sales in the world, and have made necessary for its manufacture the greatest laboratory on earth. Hood's Sarsaparilla is known by the cures it has made-cures of scrofula, salt rheum and eczema, cures of rheumatism, neuralgia and weak nerves, cures of dyspepsia, liver

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it must be allowed by the judge. Then the statutes. The Mecklenburg road It must appear in the bill of exceptions law (Acts 1835, chapter 134), provides that the exceptions were taken in open that whenever persons shall meet each court, while the jury were still at the other on any public road, traveling bar, and before they have retired to with any kind of vehicle, each person make up the verdict. With regard to shall reasonably turn to the right of a bill of exceptions, which is but an- the middle of the road, so that each other name for "the statement of the may pass without interference from case on appeal" in the State court, it the other. It is clear therefore that may be remarked that there is no pro- where a driver of a wagon or a buggy vision of law requiring the party who meets a bicycle, it is as much the dut draws up the bill of exceptions to pre- of the driver to turn to the right, as it sent it to his adversary for inspection. Is of the bicyclist, and likewise He is expected to present it to the two bicyclists meet, each should turn judge, but the judge does not usually to the right. This is the "law of the sign it until the counsel for the other road." By the same token if the driver cow, and, of course, it is still less feas- of a wagon or a buggy comes up b party has had an opportunity to ex- hind a bicycle, and wishes to pass it is not the duty of the bicyclist to give the case which requires the appellate drive out and around him, just as he would in attempting to pass another

The Wisdom of the Past. -Twas said by ancient sages some instances have dismissed the writs | That love of ife increased with years S much, that in our latter stages, When pains grow sharp and sickness rages,

The greatest love of life appears." But to retain the vigor of youth, the or joyment of life, the blessings of a heal by appetite, and a good digestion, t ke Dr. Pierce's Golden Medical D scovery and live to a the Southern Railway Company that is hale and bearty old age. For dyspetition for writ of error is filed the pepsia, indigestion, 'liver complaint' You have been promising and kindred ailments, the "Discov- your wife long enough to buy ery" is a most positive remedy. By her A NEW STOVE? There

Rheumstism is a foe which gives no quarter. It torments its victim day at d night. Hood's Earsaparilla putifits the blood and cures the aches and pairs of

The insurgents in Penar del R c are reported to be in complete corfusion; and now, perhaps, they can appreciate the condition of American readers of the Cuban diepatches received respectively from Florida and Madrid.

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U S Civil Service Exam nation. The Unit d States Civil Service Com mission has ordered that an examination

be held by its local board in this city on Saturday, December 5th. 1896, commencng at 9 o'clock a m, for the graces of clerk and carrier in the classified service Only citizens of the United States can be examined. The age limitations for this examination are as follows: Cler's, 18 years or over, Carriers, over 21 and under 40. No applications will be accepted for this axammation unless filed with the undereigned, on the proper blank, before the hour of closing business on Saturday Nov. 21. 1896. Applications should be nled promptly, therefore, in order that time may remain for correction if neces-

The commi sion takes this opportunity of stating that the examinations are open to all reputable citiz as of the Uni ed States who may desire to enter the service without regard to race or to their political or religious affiliations All such citizers are is vited to apply They shall be ex amined, graded, and certified with entire impartiality, and whorly without regard any consid ration save their efficency, as shown by the grades they obtain in the ex mination For application blanks, full instructions and information relative to the duties and salaries of the different positions, as ply to

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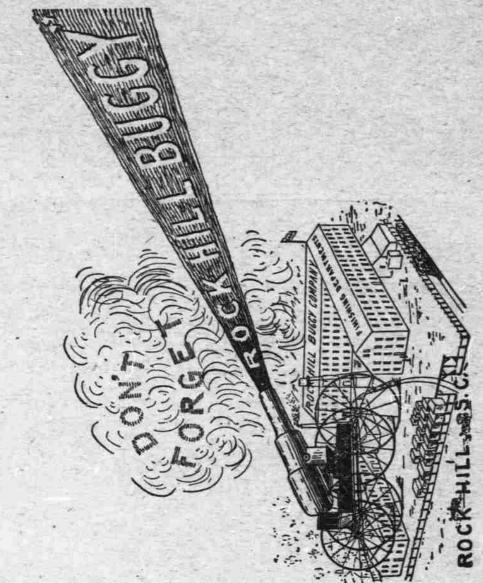
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your bair stand. Boys you miss

day of January, 1890, and duly recorded in the register of deed's office in Mecklenburg can be page 205 et seq., to secure the payment of a certain bond bear ing even date there with, and the stipulation in sin said deed of trust not having been complied with, I shall expose at public suction, for cash, on Mond'av, the 30th day of November, 1896, at 12 o'clock m. at the county court house door in the right of get—ting a good instruments are sold by a reliable dealer. We claim to know something about music and about instruments. We are opposed to handling worthless and inferior instruments day of January, 1890, and duly recorded in pianos or organs from small dealers worthless and interior instruments even to make sales. If you will give us your confidence we give you your money's worth every time.

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the same tract of land on which the said I N Bythe resided at the time of executing said deed of trust, and which is fully de-cribed in a deed made by A.C. Williamson, C. M E. to said Jno N. Blythe, and duly registered in the office of the register of deeds for said county of Mocklenburg, to which deed reference is Mecklenburg, to which deed reference is hereby made. Big the same as that conveyed by deed of trust to S. P. Alexander tractice, to secure the payment of five hundred dollars (#500) to Mrs. H. N. Realing, which deed of trust in Mrs. H. N. Realing, which deed of trust is deed as the payment of the payment

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Executor.

19 25 am Lv. Hamlet Ar. 6 56 pm 10 45 am Ar. Cheraw Lv | 5 30 pm \*Daily | Daily, except Sunday Nos 402 and 403, the "Atlanta Special,

T. J. ANDERSON, Gen. Pass. As at General Offices, Portsmouth, Va.

PIEDMONT AIR LINE. RICHMOND & DANVILLE AND NORTH CAROLINA DIVISION.

Schedule in Effect July 19 1896. This Condensed Echedule is published as information only and is subject to change

10:55 p m—No 35, daily for Atlanta and Charlotte Air Line division, and all points

south and southwest. Through Puliman sleeper, New York to New Orleans, and New York to Memphis. Diningcar, ves-tibuled cash between Washington and

11:0 P. M-No. 35, daily, for Augusta, Savanuah, Rock Hill, Chester, Colemena

8:30 p m -No. 38 daily, Washington and Southwestern vestibuled limited for Washington and all points North, through Pullman Memphis to New York; New Orleans to New York; Tampa to New York Also carries vestibuled coach and 5:50 a m-No 36 daily, for Weshington Richmond, Raleigh and ail points

6: 50 p m-No 23 daily, for Coumbia and all local stations between Charlotte and boro with train carrying Pullma car for

12:00 m FROM THE NORTH. 10:40 p m

FROM AUGUSTA. 8:20 p m 8:15 p m

Washington, D C W H GREEN, Gen'l Superintenden

Traveling Passenger Agent, 18 E Trade Street. Charlotte, N. C.